

REMARKS

The Office Action dated January 25, 2008 has been received and carefully considered. Reconsideration of the outstanding rejection in the present application is respectfully requested based on the following remarks.

Allowed Claims

Applicant notes with appreciation the indication at page 8 that claims 15-29 and 31 are allowed.

Anticipation Rejection of Claims 1-9, 11-14, and 32

At page 3 of the Office Action, claims 1-9, 11-14, and 32 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dokic (US 5,726,989). This rejection is hereby respectfully traversed.

Dokic discloses a method for carrying synchronization data for an MPEG-1 stream in an MPEG-2 stream. *Dokic*, Abstract. In particular, Dokic discloses determining whether a packet contains audio data and, if so, determining whether the packet includes a program time stamp (PTS). *Id.*, FIGs. 5A and 5G. If no program time stamp is found, Dokic discloses determining whether an audio delay flag is set indicating that an audio delay value has been calculated. *Id.*, FIG. 5G. If the audio delay flag is not set, the packet can be discarded. *Id.*, col. 12, lines 39-41. If the audio delay flag is set, Dokic discloses transferring the packet to a buffer and, if a timer has expired, enabling audio delivery. *Id.*, FIG. 5G. Accordingly, Dokic discloses **determining whether to discard a packet or enable audio delivery based on the status of an audio delay flag**.

Dokic further discloses that a delay value is calculated in response to determining that the received packet has a PTS, and in response to determining that the audio delay flag is not set. *Id.* The delay value is determined by subtracting a system time clock (STC) value from the PTS. *Id.*, col. 12, line 6. In addition, in response to these same conditions, Dokic discloses setting the audio delay flag. *Id.*, FIG. 5G. Thus, Dokic **discloses setting the audio delay flag based on 1)**

whether the flag is already set, and 2) whether packet contains a PTS value. As discussed above, Dokic discloses determining whether to discard a packet based on the status of the audio delay flag, and this status is determined by whether a received packet includes a PTS value. Dokic therefore discloses **determining whether to discard a packet based on whether a packet contains a PTS value.**

Turning to the claims, claim 1 recites “comparing a value of a first field in the transport packet to a value of a first field register to determine a first outcome” and “determining whether to enable audio stream data related to the transport packet to be received by a system or to discard the transport packet, based at least in part on the first outcome.” According to the Office Action at page 2, Dokic’s calculation of an audio delay value discloses “comparing a value of a first field in the transport packet to a value of a first field register to determine a first outcome” as recited in claim 1. Further, according to the Office Action at page 2, Dokic discloses determining whether to enable audio delivery or discard a packet based on calculating the audio delay value. Thus, according to the Office’s interpretation of Dokic, the calculation of an audio delay produces an outcome, as recited in claim 1, and Dokic allegedly discloses determining whether to discard a packet or enable audio data to be received, as recited in claim 1, based on this outcome.

Applicant respectfully disagrees. As explained above, Dokic discloses determining whether to discard a packet or enable audio delivery **based on the status of the audio delay flag.** Further, as explained above Dokic discloses that the status of the audio delay flag depends on **whether a packet contains a PTS**, not on **the result of the audio delay value calculation.** That is, assuming *arguendo* that the calculation of the audio delay value is a comparison of a field in a transport packet to a field register, the outcome of this calculation is the audio delay value. However, the status of the audio delay flag, and therefore the determination of whether a packet is discarded, does not depend on this outcome. Instead, the status depends on whether the packet contains a PTS. In other words, Dokic discloses that, in the event a packet contains a PTS and the audio delay flag is not already set, the flag will be set, and therefore audio delivery will be enabled. The actual “outcome” of the alleged comparison (the audio delay value) has no bearing on whether the flag is set. Thus, Dokic fails to disclose at least the recited feature of “determining whether to enable audio stream data related to the transport packet to be received

by a system or to discard the transport packet, based at least in part on the first outcome” as recited in claim 1.

Claims 2-9 and 11-14 depend from claim 1. Thus, Dokic fails to disclose each and every element of claims 2-9 and 11-14, at least by virtue of their dependence on claim 1. In addition, claims 2-9 and 11-14 recite additional novel elements. To illustrate, claim 5 recites “wherein the first field indicates an audio type.” According to the Office Action at page 4, Dokic discloses these elements because it discloses identifying audio or video data. As indicated in Applicant’s Response To Office Action submitted October 17, 2007, it is respectfully submitted one skilled in the art would not understand video data as being an “audio type” as recited in claim 5. Accordingly, Dokic fails to disclose at least this feature of claim 5.

With respect to claim 7, the claim recites “wherein the stream indicator includes one or more start codes.” According to the Office Action at page 4, these elements are “within the scope of the reference” but does not cite to any particular portion of Dokic that discloses these elements, and therefore fails to meet its burden of establishing a prima facie case of anticipation under 35 U.S.C. § 102. Applicant respectfully submits that Dokic does not disclose these features, and therefore fails to disclose at least one element of claim 7.

Claim 32 recites “means for determining whether to enable audio stream data related to the transport packet to be received by a system or to discard the transport packet based at least in part on a comparison of a value of a first field in the transport packet to a value of a first field register.” For reasons similar to those set forth above with respect to claim 1, Dokic does not disclose determining whether to discard a transport packet based on a comparison of a packet field to a field register. Accordingly, Dokic necessarily fails to disclose means for doing so. Thus, Dokic fails to disclose each and every element of claim 32.

In view of the foregoing, it is respectfully submitted that the anticipation rejection of claims 1-9, 11-14 and 32 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claim 10

At page 5 of the Office Action, claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dokic in view of Van Steenbrugge (US 6,076,062). This rejection is hereby respectfully traversed.

Claim 10 depends from claim 1. As explained above, Dokic fails to disclose or suggest each and every element of claim 1. Further, Van Steenbrugge does not remedy the deficiencies of Dokic with respect to claim 1. Accordingly, the cited references fail to disclose or suggest each and every element of claim 10, at least by virtue of its dependency on claim 1. In addition, claim 10 recites additional novel elements.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claim 10 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Conclusion

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

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Date